

**PHARMACY BOARD[657]**

**Adopted and Filed Emergency After Notice**

**Rule making related to vaccine administration**

The Pharmacy Board hereby amends Chapter 39, “Expanded Practice Standards,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 147.76 and 155A.44.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 155A.44 and 2019 Iowa Acts, House File 766.

*Purpose and Summary*

During the 2019 Legislative Session, a change was made to 2018 Iowa Acts, chapter 1142, section 8, to extend the repeal date of Iowa Code section 155A.44 to July 1, 2020. This rule making similarly amends rule 657—39.10(155A) to reflect the updated repeal date.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 22, 2019, as **ARC 4450C**. No public comments were received. No changes from the Notice have been made.

*Reason for Waiver of Normal Effective Date*

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Board finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective on July 1, 2019. Without this early effective date, a pharmacy would be prohibited from providing immunizations under a physician-signed protocol and would be allowed to provide immunizations solely under the Board’s protocols with the pharmacist acting as the ordering practitioner. Many third-party insurance providers, including Medicaid, do not yet recognize pharmacists as ordering practitioners and would thus deny claims for reimbursement for providing immunizations.

*Adoption of Rule Making*

This rule making was adopted by the Board on June 26, 2019.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making became effective on July 1, 2019.

The following rule-making action is adopted:

Amend rule 657—39.10(155A) as follows:

**657—39.10(155A) Vaccine administration by pharmacists—physician-approved protocol.** Through June 30, ~~2019~~ 2020, an authorized pharmacist may administer vaccines pursuant to protocols established by the CDC in compliance with the requirements of this rule. An authorized pharmacist may only delegate the administration of a vaccine to an authorized pharmacist-intern under the direct supervision of the authorized pharmacist.

**39.10(1) to 39.10(7)** No change.

[Filed Emergency After Notice 6/26/19, effective 7/1/19]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/17/19.